

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
v.	§	CRIMINAL No. 6:91cr30
RODERICK DEANDRA SPARKS	§	

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On June 19, 2006, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Roderick DeAndra Sparks ("Sparks"). The government was represented by Wes Rivers, Assistant United States Attorney for the Eastern District of Texas, and the defendant was represented by appointed counsel, Ken Hawk.

Defendant originally pled guilty to conspiracy with intent to distribute cocaine base, possession with intent to distribute cocaine base within 1,000 feet of protected location, a Class A Felony. On March 13, 1992, U.S. District Judge T.J. Baynham, Jr. sentenced Defendant to 168 months in prison followed by 6 years supervised release. On April 9, 2004, Defendant completed the term of imprisonment and began the term of supervised release.

In its petition, the government alleges that Defendant violated three conditions of his supervised release, and at the hearing, the parties informed the Court that they had reached an agreement to resolve the petition. Defendant agreed to plead true to violating the condition requiring that he not commit another federal, state, or local crime by committing the offense of driving while intoxicated in Van Zandt County, Texas. In exchange, the government agreed to forego pursuing the remaining two allegations contained in the petition and further agreed to recommend a sentence

of 6 months with no supervised release to follow. Defendant had no objection to the government's recommendation.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by committing the offense of driving while intoxicated, it may revoke Defendant's term of imprisonment and impose a term of imprisonment no longer than five years.¹⁸ U.S.C. § 3583(g). Driving while intoxicated constitutes a Grade C violation for which the Court may revoke supervised release in favor of a term of imprisonment or extend the term of supervised release. U.S.S.G. § 7B1.1(a); U.S.S.G. § 7B1.3(a)(2). If the Court elects to revoke Defendant's supervised release, the guideline range for a Grade C violation based on a criminal history category of II is 4 to 10 months.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court RECOMMENDS that:

Defendant, Roderick DeAndra Sparks, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 6 months with no supervised release to follow.

So ORDERED and SIGNED this 20th day of June, 2006.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE